

ORDINANCE NO. 1766

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING THE  
OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY  
REZONING 1380 WESTGATE DRIVE (APN 027-420-09) FROM R-2,  
RESIDENTIAL SINGLE FAMILY, TO PD(37), PLANNED DEVELOPMENT  
NUMBER 37, FOR LUCA PLACE

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:

2.18 acres located at 1380 Westgate Drive (APN 027-420-09) are hereby rezoned from R-2, Residential Single Family, to PD(37), Planned Development Number 37, as shown on Exhibit "A" attached, which is on file in the office of the City Clerk. (File No. Z-05-02, John Costamagna, Applicant).

Section 2. The Planning Commission adopted Resolution No. P.C. 05-31 recommending approval of this request for a rezone at its meeting of September 28, 2005, following a duly held public hearing, at which appropriate documents and any comments received were reviewed and considered.

Section 3. A Negative Declaration (ND-05-04) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in their Resolution No. P.C. 05-31.

Section 4 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 5 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 6. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Council of this City after duly noticed public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto at which the City Council reviewed and considered the appropriate documents and any comments received, whether orally or in writing.

Section 7. The City Council has reviewed and considered the Negative Declaration for this project and has adopted same before consideration of this Ordinance.

Section 8. The City Council based on the evidence within the staff report and project file find as follows:

- 1) that the rezone to PD(37) will not adversely affect surrounding properties.

2) that the rezone to PD(37) is consistent with the Lodi General Plan diagram, policies and standards. There is no applicable specific plan for the area.

3) that the property, with a PD(37) zone, will have no adverse effect on wildlife and vegetative habitat.

Section 9. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 10. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 16<sup>th</sup> day of November, 2005.

  
JOHN BECKMAN  
Mayor

Attest:

  
SUSAN J. BLACKSTON  
City Clerk

State of California  
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1766 was introduced at a regular meeting of the City Council of the City of Lodi held November 2, 2005, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held November 16, 2005, by the following vote:

AYES: COUNCIL MEMBERS – Hansen, Hitchcock, Johnson, Mounce,  
and Mayor Beckman

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1766 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

  
D. STEPHEN SCHWABAUER  
City Attorney

